

**REMARKS**

Claims 1-42 are currently pending. In the Office Action mailed July 25, 2008 (hereinafter, "Office Action"), the Examiner rejected claims 1-42 under 35 U.S.C. § 101.

By this response, Applicants hereby amend claims 1-42. No new matter has been added. Accordingly, claims 1-42 remain pending.

In light of the foregoing amendments and based on the reasoning presented below, Applicants respectfully traverse the rejection of claims 1-42 under 35 U.S.C. § 101, and request allowance of the pending claims.

**I. Rejection under 35 U.S.C. § 101**

The Examiner rejected claims 1-42 under 35 U.S.C. § 101, alleging that "the claimed invention is directed to non-statutory subject matter." Office Action, p. 3. While Applicants disagree with the Examiner's characterization of the claims, to advance prosecution, Applicants have nevertheless amended claims 1-42.

Specifically, Applicants have amended independent claim 1 to recite, *inter alia*, "[a] method . . . implemented via a computing device including at least one processor and memory . . . ." In addition, Applicants have amended independent claim 16 to recite, *inter alia*, "[a] system . . . comprising: at least one memory to store data and instructions; and at least one processor configured to access the at least one memory and execute instructions to . . . ." Finally, Applicants have amended independent claim 30 to recite, *inter alia*, "[a] computer program embodied on a computer readable medium . . . , wherein the computer program is configured to perform a method comprising . . . ."

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 101, and allowance of independent claims 1, 16, and 30. Claims 2-15 depend from independent claim 1. Claims 17-29 depend from independent claim 16. Claims 31-42 depend from independent claim 30. For at least the same reasons as set forth above in connection with their corresponding independent claims, Applicants respectfully request withdrawal of the rejection of under 35 U.S.C. § 101, and allowance of dependent claims 2-15, 17-29, and 31-42.

In addition, Applicants respectfully note that the Examiner only set forth rejections of claims 1-42 under 35 U.S.C. § 101. Given the requirements outlined in the M.P.E.P., Applicants assume that the pending claims are patentable over the prior art in view of 35 U.S.C. §§ 102 and 103.<sup>1</sup> Therefore, Applicants respectfully request the timely allowance of pending claims 1-42.

## **II. Conclusion**

In view of the foregoing amendments and remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the cited art. Applicants therefore request reconsideration and reexamination of this application, and the timely allowance of the pending claims.

In addition, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such

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<sup>1</sup> "Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are to be found deficient with respect to some statutory requirement." M.P.E.P. § 2106(II) (emphasis added). "Once USPTO personnel have concluded the [] analyses of the claimed invention under all the statutory provisions, including 35 U.S.C. 101, 112, 102, and 103, they should review all the proposed rejections and their basis to confirm that they are able to set forth a *prima facie* case of unpatentability." M.P.E.P. § 2106(VII) (emphasis added). "Only then should any rejection be imposed in an Office action." *Id.* (emphasis added).

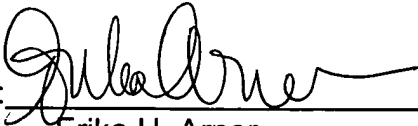
statements are identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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